

## Calendar No. 438

108TH CONGRESS  
2D SESSION**S. 1601****[Report No. 108-228]**

To amend the Indian Child Protection and Family Violence Prevention Act to provide for the reporting and reduction of child abuse and family violence incidences on Indian reservations, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 9, 2003

Mr. CAMPBELL (for himself, Mr. INOUE, Mr. JOHNSON, Mr. DOMENICI, and Mr. HATCH) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

MARCH 9, 2004

Reported by Mr. CAMPBELL, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

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**A BILL**

To amend the Indian Child Protection and Family Violence Prevention Act to provide for the reporting and reduction of child abuse and family violence incidences on Indian reservations, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Indian Child Protec-  
3 tion and Family Violence Prevention Reauthorization Act  
4 of 2003”.

5 **SEC. 2. FINDINGS AND PURPOSE.**

6       Section 402 of the Indian Child Protection and Fam-  
7 ily Violence Prevention Act (25 U.S.C. 3201) is amend-  
8 ed—

9               (1) in subsection (a)—

10                   (A) by striking paragraph (1) and insert-  
11 ing the following:

12               “(1) finds that—

13                   “(A) Indian children are the most precious  
14 resource of Indian tribes and need special pro-  
15 tection by the United States;

16                   “(B) the number of reported incidences of  
17 child abuse on Indian reservations continues to  
18 rise at an alarming rate, but the reduction of  
19 such incidences is hindered by the lack of—

20                           “(i) community awareness in identi-  
21 fication and reporting methods;

22                           “(ii) interagency coordination for re-  
23 porting, investigating, and prosecuting;  
24 and

1                   “(iii) tribal infrastructure for man-  
2                   aging, preventing, and treating child abuse  
3                   eases;

4                   “(C) improvements are needed to combat  
5                   the continuing child abuse on Indian reserva-  
6                   tions, including—

7                   “(i) education to identify symptoms  
8                   consistent with child abuse;

9                   “(ii) extensive background investiga-  
10                  tions of Federal and tribal employees, vol-  
11                  unteers, and contractors who care for,  
12                  teach, or otherwise have regular contact  
13                  with Indian children;

14                  “(iii) strategies to ensure the safety of  
15                  child protection workers; and

16                  “(iv) support systems for the victims  
17                  of child abuse and their families; and

18                  “(D) funds spent by the United States on  
19                  Indian reservations for the benefit of Indian  
20                  victims of child abuse or family violence are in-  
21                  adequate to combat child abuse and to meet the  
22                  growing needs for mental health treatment and  
23                  counseling for those victims and their fami-  
24                  lies.”;

25                  (B) in paragraph (2)—

1 (i) by striking “two” and inserting  
2 “the”;

3 (ii) in subparagraph (B)—

4 (I) by inserting after “provide  
5 funds for” the following: “developing  
6 a comprehensive tribal child abuse  
7 and family violence program including  
8 training and technical assistance for  
9 identifying, addressing, and decreas-  
10 ing such incidents and for”; and

11 (II) by striking the period at the  
12 end and inserting a semicolon; and

13 (iii) by adding at the end the fol-  
14 lowing:

15 “(C) implement strategies to increase the  
16 safety of child protection workers;

17 “(D) assist tribes in developing the nec-  
18 essary infrastructure to combat and reduce  
19 child abuse on Indian reservations; and

20 “(E) identify and remove impediments to  
21 the prevention and reduction of child abuse on  
22 Indian reservations, including elimination of ex-  
23 isting barriers, such as difficulties in sharing  
24 information among agencies and differences be-

tween the values and treatment protocols of the different agencies.”; and

~~(2) in subsection (b)—~~

~~(A) in paragraph (1), by striking “prevent further abuse” and inserting “prevent and prosecute child abuse”;~~

~~(B) in paragraph (2), by striking “authorize a study to determine the need for a central registry for reported incidents of abuse” and inserting “build tribal infrastructure needed to maintain and coordinate databases”;~~

~~(C) by striking paragraph (3);~~

~~(D) by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (3), (4), (5), and (6), respectively;~~

~~(E) in paragraph (3) (as redesignated by subparagraph (D)), by striking “sexual”;~~

~~(F) in paragraph (5) (as redesignated by subparagraph (D)), by striking “Area” and inserting “Regional”;~~

~~(G) in paragraph (6) (as redesignated by subparagraph (D))—~~

~~(i) by inserting “child abuse and” after “incidents of”; and~~

1                   (ii) by inserting “through tribally-op-  
 2                   erated programs” after “family violence”;

3                   (H) by inserting after paragraph (6) (as  
 4                   redesignated by subparagraph (D)) the fol-  
 5                   lowing:

6                   “(7) conduct a study to identify the impedi-  
 7                   ments to effective prevention, investigation, prosecu-  
 8                   tion, and treatment of child abuse;” and

9                   (I) by striking paragraph (8) and inserting  
 10                  the following:

11                  “(8) develop strategies to protect the safety of  
 12                  the child protection workers while performing re-  
 13                  sponsibilities under this title; and”.

14   **SEC. 3. DEFINITIONS.**

15                  Section 403(3) of the Indian Child Protection and  
 16   Family Violence Prevention Act (25 U.S.C. 3202(3)) is  
 17   amended—

18                  (1) in subparagraph (A), by striking “and” at  
 19                  the end;

20                  (2) in subparagraph (B), by adding “and” at  
 21                  the end; and

22                  (3) by adding at the end the following:

23                         “(C) any case in which a child is subjected  
 24                         to family violence;”.

1 **SEC. 4. REPORTING PROCEDURES.**

2 Section 404(b) of the Indian Child Protection and  
3 Family Violence Prevention Act (25 U.S.C. 3203(b)) is  
4 amended by adding at the end the following:

5 “(3) COOPERATIVE REPORTING.—If—

6 “(A) a report of abuse or family violence  
7 involves an alleged abuser who is a non-Indian;  
8 and

9 “(B) a preliminary inquiry indicates a  
10 criminal violation has occurred;  
11 the local law enforcement agency (if other than the  
12 State law enforcement agency) shall immediately re-  
13 port the occurrence to the State law enforcement  
14 agency.”.

15 **SEC. 5. CENTRAL REGISTRY.**

16 The Indian Child Protection and Family Violence  
17 Prevention Act is amended by striking section 405 (25  
18 U.S.C. 3204) and inserting the following:

19 **“SEC. 405. BARRIERS TO IMPLEMENTATION.**

20 “(a) IN GENERAL.—The Secretary, in consultation  
21 with the Secretary of Health and Human Services and the  
22 Attorney General, shall conduct a study to identify impedi-  
23 ments to the reduction of child abuse on Indian reserva-  
24 tions.

25 “(b) MATTERS TO BE EVALUATED.—In conducting  
26 the study under subsection (a), the Secretary shall, at a

1 minimum, evaluate the interagency and intergovernmental  
 2 cooperation and jurisdictional impediments in investiga-  
 3 tions and prosecutions.

4 “(c) REPORT.—

5 “(1) IN GENERAL.—Not later than 180 days  
 6 after the date of enactment of this paragraph, the  
 7 Secretary shall submit to Congress a report that de-  
 8 scribes the results of the study under subsection (a).

9 “(2) CONTENTS.—The report under paragraph  
 10 (1) shall include—

11 “(A) any findings made in the study;

12 “(B) recommendations on ways to elimi-  
 13 nate impediments described in subsection (a);  
 14 and

15 “(C) cost estimates for implementing the  
 16 recommendations.”

17 **SEC. 6. CHARACTER INVESTIGATIONS.**

18 Section 408 of the Indian Child Protection and Fam-  
 19 ily Violence Prevention Act (25 U.S.C. 3207) is amend-  
 20 ed—

21 (1) in subsection (a)—

22 (A) in paragraph (1), by inserting “(in-  
 23 cluding contracted and volunteer positions),”  
 24 after “authorized positions”; and



(B) in paragraph (3), by striking the period at the end and inserting the following: “, which—

“(A) shall include a background check, based on a set of fingerprints of the employee, volunteer or contractor that may be conducted through the Federal Bureau of Investigation; and

“(B) may include a review of applicable State criminal history repositories.”; and  
(2) in subsection (c)—

(A) in paragraph (1), by inserting after “who is” the following: “a volunteer or contractor or is”; and

(B) in paragraph (2), by striking “employ” and inserting “contract with, accept, or employ”.

**SEC. 7. INDIAN CHILD ABUSE TREATMENT GRANT PROGRAM.**

Section 409 of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3208) is amended—

(1) in subsection (a), by striking “sexual”;

(2) by redesignating subsection (e) as subsection (f);

1           ~~(2)~~ by inserting after subsection (d) the fol-  
 2       lowing:

3       ~~“(e) DEMONSTRATION PROJECT.—~~

4           ~~“(1) IN GENERAL.—The Secretary of Health~~  
 5       ~~and Human Services shall establish demonstration~~  
 6       ~~projects to facilitate the development of a culturally-~~  
 7       ~~sensitive traditional healing treatment program for~~  
 8       ~~child abuse and family violence to be operated by an~~  
 9       ~~Indian tribe, tribal organization, or inter-tribal con-~~  
 10      ~~sortium.~~

11       ~~“(2) APPLICATION.—~~

12           ~~“(A) IN GENERAL.—An Indian tribe, tribal~~  
 13       ~~organization, or inter-tribal consortium may~~  
 14       ~~submit an application to participate in a dem-~~  
 15       ~~onstration project in such form as the Secretary~~  
 16       ~~of Health and Human Services may prescribe.~~

17           ~~“(B) CONTENTS.—As part of an applica-~~  
 18       ~~tion under subparagraph (A), the Secretary of~~  
 19       ~~Health and Human Services shall require—~~

20           ~~“(i) the information described in sub-~~  
 21       ~~section (b)(2)(C);~~

22           ~~“(ii) a proposal for development of~~  
 23       ~~educational materials and resources, to the~~  
 24       ~~extent culturally appropriate; and~~

1                   “(iii) proposed strategies to use and  
 2                   maintain the integrity of traditional heal-  
 3                   ing methods.

4                   “(3) CONSIDERATIONS.—In selecting the par-  
 5                   ticipants in demonstration projects established under  
 6                   this subsection, the Secretary of Health and Human  
 7                   Services shall give special consideration to projects  
 8                   relating to behavioral and emotional effects of child  
 9                   abuse, elimination of abuse by parents, and reunifi-  
 10                  cation of the family.”; and

11                  (4) in subsection (f) (as redesignated by para-  
 12                  graph (2))—

13                   (A) by striking “there” and inserting  
 14                   “‘There’”; and

15                   (B) by striking “\$10,000,000 for each of  
 16                   the years 1992, 1993, 1994, 1995, 1996 and  
 17                   1997” and inserting “such sums as are nec-  
 18                   essary to carry out this section for each of fis-  
 19                   cal years 2005 through 2010, of which a spe-  
 20                   cific sum shall be specifically set aside each  
 21                   year for the demonstration projects established  
 22                   under subsection (e).”.

1 **SEC. 8. INDIAN CHILD RESOURCE AND FAMILY SERVICES**  
 2 **CENTERS.**

3 Section 410 of the Indian Child Protection and Fam-  
 4 ily Violence Prevention Act (25 U.S.C. 3209) is amend-  
 5 ed—

6 (1) in subsection (a) by striking “area” and in-  
 7 serting “Regional”;

8 (2) in subsection (b)—

9 (A) by striking “Secretary and” and in-  
 10 serting “Secretary,”; and

11 (B) by striking “Services” and inserting  
 12 “Services, and the Attorney General”;

13 (3) in subsection (d)(5), by striking “area” and  
 14 inserting “Region”;

15 (4) in subsection (f)—

16 (A) in the second sentence, by striking “an  
 17 area” and inserting “a Regional”; and

18 (B) in the last sentence, by inserting “de-  
 19 veloping strategies,” after “Center in”;

20 (5) in the second sentence of subsection (g)—

21 (A) by striking “an area” and inserting “a  
 22 Regional”; and

23 (B) by striking “Juneau Area” and insert-  
 24 ing “Alaska Region”; and

25 (6) in subsection (h), by striking “\$3,000,000  
 26 for each of the fiscal years 1992, 1993, 1994, 1995,

1       1996 and 1997” and inserting “such sums as are  
 2       necessary to carry out this section for each of fiscal  
 3       years 2005 through 2010”.

4       **SEC. 9. INDIAN CHILD PROTECTION AND FAMILY VIOLENCE**  
 5               **PREVENTION PROGRAM.**

6       Section 411 of the Indian Child Protection and Fam-  
 7       ily Violence Prevention Act (25 U.S.C. 3210) is amend-  
 8       ed—

9               (1) in subsection (c)—

10               (A) in paragraph (1), by inserting “coordi-  
 11               nation, reporting and” before “investigation”;

12               (B) in paragraph (2) by inserting “child  
 13               abuse and” after “incidents of”;

14               (2) in subsection (d)—

15               (A) in paragraph (1)(C), by inserting “and  
 16               other related items” after “equipment”; and

17               (B) in paragraph (3)—

18               (i) in subparagraph (B), by striking “,  
 19               and” at the end and inserting a semicolon;

20               (ii) in subparagraph (C), by inserting  
 21               after “responsibilities” the following: “and  
 22               specify appropriate measures for ensuring  
 23               child protection worker safety while per-  
 24               forming responsibilities under this title”;  
 25               and

1                   (iii) by adding at the end the fol-  
2                   lowing:

3                   “(D) provide for training programs or ex-  
4                   penses for child protection services personnel;  
5                   law enforcement personnel or judicial personnel  
6                   to meet any certification requirements nec-  
7                   essary to fulfill the responsibilities under any  
8                   intergovernmental or interagency agreement;  
9                   and

10                  “(E) develop and implement strategies de-  
11                  signed to ensure the safety of child protection  
12                  workers while performing responsibilities under  
13                  this Act;”;

14                  (3) in paragraph (6), by striking “and” at the  
15                  end;

16                  (4) by redesignating paragraph (7) as para-  
17                  graph (8);

18                  (5) by inserting after paragraph (6) the fol-  
19                  lowing:

20                  “(7) infrastructure enhancements to improve  
21                  tribal data systems to monitor the progress of fami-  
22                  lies; evaluate service and treatment outcomes; and  
23                  determine the most effective approaches and activi-  
24                  ties; and”

1           (6) by redesignating subsections (f), (g), (h),  
 2           and (i) as paragraphs (e), (f), (g), and (h), respec-  
 3           tively;

4           (7) in paragraph (1) of subsection (g) (as re-  
 5           designated by paragraph (6)), by striking subpara-  
 6           graph (A) and inserting the following:

7                   “(A) evaluate the program for which the  
 8                   award is made, including examination of—

9                           “(i) the range and scope of training  
 10                           opportunities, including numbers and per-  
 11                           centage of child protection workers en-  
 12                           gaged in the training programs;

13                           “(ii) the threats to child protection  
 14                           workers, if any, and the strategies used to  
 15                           address the safety of child protection work-  
 16                           ers; and

17                           “(iii) the community outreach and  
 18                           awareness programs including any strate-  
 19                           gies to increase the ability of the commu-  
 20                           nity to contact appropriate reporting offi-  
 21                           cials regarding occurrences of child  
 22                           abuse.”; and

23           (8) in subsection (h) (as redesignated by para-  
 24           graph (6)), by striking “\$30,000,000 for each of fis-  
 25           cal years 1992, 1993, 1994, 1995, 1996 and 1997”

1       and inserting “such sums as are necessary to carry  
 2       out this section for each of fiscal years 2005 through  
 3       2010.”.

4   **SECTION 1. SHORT TITLE.**

5       *This Act may be cited as the “Indian Child Protection*  
 6   *and Family Violence Prevention Reauthorization Act of*  
 7   *2004”.*

8   **SEC. 2. FINDINGS AND PURPOSE.**

9       *Section 402 of the Indian Child Protection and Fam-*  
 10   *ily Violence Prevention Act (25 U.S.C. 3201) is amended—*

11           *(1) in subsection (a)—*

12                   *(A) by striking paragraph (1) and inserting*  
 13           *the following:*

14           *“(1) finds that—*

15                   *“(A) Indian children are the most precious*  
 16           *resource of Indian tribes and need special protec-*  
 17           *tion by the United States;*

18                   *“(B) the number of reported incidences of*  
 19           *child abuse on Indian reservations continues to*  
 20           *rise at an alarming rate, but the reduction of*  
 21           *such incidences is hindered by the lack of—*

22                           *“(i) community awareness in identi-*  
 23                   *fication and reporting methods;*

24                           *“(ii) interagency coordination for re-*  
 25                   *porting, investigating, and prosecuting; and*



1           “(iii) tribal infrastructure for man-  
2           aging, preventing, and treating child abuse  
3           cases;

4           “(C) improvements are needed to combat the  
5           continuing child abuse on Indian reservations,  
6           including—

7                 “(i) education to identify symptoms  
8                 consistent with child abuse;

9                 “(ii) extensive background investiga-  
10                tions of Federal and tribal employees, vol-  
11                unteers, and contractors who care for, teach,  
12                or otherwise have regular contact with In-  
13                dian children;

14               “(iii) strategies to ensure the safety of  
15               child protection workers; and

16               “(iv) support systems for the victims of  
17               child abuse and their families; and

18           “(D) funds spent by the United States on  
19           Indian reservations for the benefit of Indian vic-  
20           tims of child abuse or family violence are inad-  
21           equate to combat child abuse and to meet the  
22           growing needs for mental health treatment and  
23           counseling for those victims and their families.”;

24           (B) in paragraph (2)—

1                   (i) by striking “two” and inserting  
2                   “the”;

3                   (ii) in subparagraph (B)—

4                   (I) by inserting after “provide  
5                   funds for” the following: “developing a  
6                   comprehensive tribal child abuse and  
7                   family violence program including  
8                   training and technical assistance for  
9                   identifying, addressing, and decreasing  
10                  such incidents and for”; and

11                  (II) by striking the period at the  
12                  end and inserting a semicolon; and

13                  (iii) by adding at the end the fol-  
14                  lowing:

15                  “(C) implement strategies to increase the  
16                  safety of child protection workers;

17                  “(D) assist tribes in developing the nec-  
18                  essary infrastructure to combat and reduce child  
19                  abuse on Indian reservations; and

20                  “(E) identify and remove impediments to  
21                  the prevention and reduction of child abuse on  
22                  Indian reservations, including elimination of ex-  
23                  isting barriers, such as difficulties in sharing in-  
24                  formation among agencies and differences be-

tween the values and treatment protocols of the different agencies.”; and

(2) in subsection (b)—

(A) in paragraph (1), by striking “prevent further abuse” and inserting “prevent and prosecute child abuse”;

(B) in paragraph (2), by striking “authorize a study to determine the need for a central registry for reported incidents of abuse” and inserting “build tribal infrastructure needed to maintain and coordinate databases”;

(C) by striking paragraph (3);

(D) by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (3), (4), (5), and (6), respectively;

(E) in paragraph (3) (as redesignated by subparagraph (D)), by striking “sexual”;

(F) in paragraph (5) (as redesignated by subparagraph (D)), by striking “Area” and inserting “Regional”;

(G) in paragraph (6) (as redesignated by subparagraph (D))—

(i) by inserting “child abuse and” after “incidents of”; and

1                   (ii) by inserting “through tribally-op-  
2                   erated programs” after “family violence”;

3                   (H) by inserting after paragraph (6) (as re-  
4                   designated by subparagraph (D)) the following:

5                   “(7) conduct a study to identify the impediments  
6                   to effective prevention, investigation, prosecution, and  
7                   treatment of child abuse;”; and

8                   (I) by striking paragraph (8) and inserting  
9                   the following:

10                  “(8) develop strategies to protect the safety of the  
11                  child protection workers while performing responsibil-  
12                  ities under this title; and”.

13 **SEC. 3. DEFINITIONS.**

14                  Section 403(3) of the Indian Child Protection and  
15                  Family Violence Prevention Act (25 U.S.C. 3202(3)) is  
16                  amended—

17                  (1) in subparagraph (A), by striking “and” at  
18                  the end;

19                  (2) in subparagraph (B), by adding “and” at  
20                  the end; and

21                  (3) by adding at the end the following:

22                  “(C) any case in which a child is exposed  
23                  to family violence;”.

1 **SEC. 4. REPORTING PROCEDURES.**

2       Section 404(b) of the Indian Child Protection and  
3 Family Violence Prevention Act (25 U.S.C. 3203(b)) is  
4 amended by adding at the end the following:

5               “(3) COOPERATIVE REPORTING.—If—

6                       “(A) a report of abuse or family violence in-  
7 volves an alleged abuser who is a non-Indian;  
8 and

9                       “(B) a preliminary inquiry indicates a  
10 criminal violation has occurred;  
11 the local law enforcement agency (if other than the  
12 State law enforcement agency) shall immediately re-  
13 port the occurrence to the State law enforcement agen-  
14 cy.”.

15 **SEC. 5. BARRIERS TO REDUCING CHILD ABUSE.**

16       The Indian Child Protection and Family Violence Pre-  
17 vention Act is amended by striking section 405 (25 U.S.C.  
18 3204) and inserting the following:

19 **“SEC. 405. BARRIERS TO REDUCING CHILD ABUSE.**

20       “(a) IN GENERAL.—The Secretary, in consultation  
21 with the Secretary of Health and Human Services and the  
22 Attorney General, shall conduct a study to identify impedi-  
23 ments to the reduction of child abuse on Indian reserva-  
24 tions.

25       “(b) MATTERS TO BE EVALUATED.—In conducting  
26 the study under subsection (a), the Secretary shall, at a

1 *minimum, evaluate the interagency and intergovernmental*  
 2 *cooperation and jurisdictional impediments in investiga-*  
 3 *tions and prosecutions.*

4 “(c) *REPORT.*—

5 “(1) *IN GENERAL.*—Not later than 18 months  
 6 after the date of enactment of this paragraph, the Sec-  
 7 retary shall submit to Congress a report that describes  
 8 the results of the study under subsection (a).

9 “(2) *CONTENTS.*—The report under paragraph  
 10 (1) shall include—

11 “(A) *any findings made in the study;*

12 “(B) *any recommendations that the Sec-*  
 13 *retary considers appropriate on ways to elimi-*  
 14 *nate impediments described in subsection (a);*  
 15 *and*

16 “(C) *cost estimates for implementing the*  
 17 *recommendations.”.*

18 **SEC. 6. CHARACTER INVESTIGATIONS.**

19 *Section 408 of the Indian Child Protection and Fam-*  
 20 *ily Violence Prevention Act (25 U.S.C. 3207) is amended—*

21 *(1) in subsection (a)—*

22 *(A) in paragraph (1), by inserting “(in-*  
 23 *cluding contracted and volunteer positions),”*  
 24 *after “authorized positions”; and*

1           (B) in paragraph (3), by striking the period  
 2           at the end and inserting the following: “,  
 3           which—

4           “(A) shall include a background check,  
 5           based on a set of fingerprints of the employee,  
 6           volunteer or contractor that may be conducted  
 7           through the Federal Bureau of Investigation; and

8           “(B) may include a review of applicable  
 9           State and tribal criminal history repositories.”;  
 10          and

11          (2) in subsection (c)—

12           (A) by redesignating paragraphs (1) and  
 13           (2) as subparagraphs (A) and (B), respectively,  
 14           and indenting appropriately;

15           (B) by striking “Each” and inserting the  
 16           following:

17           “(1) IN GENERAL.—Each”;

18           (C) in subparagraph (A) (as redesignated  
 19           by subparagraph (A)), by inserting after “who  
 20           is” the following: “a volunteer or contractor or  
 21           is”;

22           (D) in subparagraph (B) (as redesignated  
 23           by subparagraph (A)), by striking “employ” and  
 24           inserting “contract with, accept, or employ”; and

25           (E) by adding at the end the following:

1 “(2) *SATISFACTION OF REQUIREMENTS.*—

2 “(A) *INVESTIGATIONS.*—An investigation  
3 conducted under paragraph (1)(A) shall be con-  
4 sidered to satisfy any requirement under any  
5 other Federal law for a background check in con-  
6 nection with the placement of an Indian child in  
7 a foster or adoptive home, or an institution.

8 “(B) *LICENSING OR APPROVAL.*—On certifi-  
9 cation by an Indian tribe that the Indian tribe  
10 is in compliance with paragraph (1), the licens-  
11 ing or approval of guardianships, foster or adop-  
12 tive homes, or institutions by an Indian tribe in  
13 accordance with tribal law shall be considered to  
14 be equivalent to licensing or approval by a State  
15 for the purposes of any law that authorizes  
16 placement in or provides funding for  
17 guardianships, foster or adoptive homes, or insti-  
18 tutions.”.

19 **SEC. 7. INDIAN CHILD ABUSE TREATMENT GRANT PRO-**  
20 **GRAM.**

21 Section 409 of the Indian Child Protection and Fam-  
22 ily Violence Prevention Act (25 U.S.C. 3208) is amended—

23 (1) in subsection (a), by striking “sexual”;

24 (2) by redesignating subsection (e) as subsection

25 (f);



1           (3) *by inserting after subsection (d) the fol-*  
 2       *lowing:*

3       “(e) *DEMONSTRATION PROJECT.*—

4           “(1) *IN GENERAL.*—*The Secretary of Health and*  
 5       *Human Services shall establish demonstration*  
 6       *projects to facilitate the development of a culturally-*  
 7       *sensitive traditional healing treatment program for*  
 8       *child abuse and family violence to be operated by an*  
 9       *Indian tribe, tribal organization, or inter-tribal con-*  
 10      *sortium.*

11       “(2) *APPLICATION.*—

12           “(A) *IN GENERAL.*—*An Indian tribe, tribal*  
 13       *organization, or inter-tribal consortium may*  
 14       *submit an application to participate in a dem-*  
 15       *onstration project in such form as the Secretary*  
 16       *of Health and Human Services may prescribe.*

17           “(B) *CONTENTS.*—*As part of an applica-*  
 18       *tion under subparagraph (A), the Secretary of*  
 19       *Health and Human Services shall require—*

20           “(i) *the information described in sub-*  
 21       *section (b)(2)(C);*

22           “(ii) *a proposal for development of*  
 23       *educational materials and resources, to the*  
 24       *extent culturally appropriate; and*

1                   “(iii) proposed strategies to use and  
2                   maintain the integrity of traditional heal-  
3                   ing methods.

4                   “(3) CONSIDERATIONS.—In selecting the partici-  
5                   pants in demonstration projects established under this  
6                   subsection, the Secretary of Health and Human Serv-  
7                   ices shall give special consideration to projects relat-  
8                   ing to behavioral and emotional effects of child abuse,  
9                   elimination of abuse by parents, and reunification of  
10                  the family.”; and

11                  (4) in subsection (f) (as redesignated by para-  
12                  graph (2))—

13                   (A) by striking “there” and inserting  
14                   “*There*”; and

15                   (B) by striking “\$10,000,000 for each of the  
16                   years 1992, 1993, 1994, 1995, 1996 and 1997”  
17                   and inserting “such sums as are necessary to  
18                   carry out this section for each of fiscal years  
19                   2005 through 2010, of which a specific sum shall  
20                   be specifically set aside each year for the dem-  
21                   onstration projects established under subsection  
22                   (e).”.

1 **SEC. 8. INDIAN CHILD RESOURCE AND FAMILY SERVICES**  
 2 **CENTERS.**

3 *Section 410 of the Indian Child Protection and Fam-*  
 4 *ily Violence Prevention Act (25 U.S.C. 3209) is amended—*

5 *(1) in subsection (a) by striking “area” and in-*  
 6 *serting “Regional”;*

7 *(2) in subsection (b)—*

8 *(A) by striking “Secretary and” and insert-*  
 9 *ing “Secretary,”; and*

10 *(B) by striking “Services” and inserting*  
 11 *“Services, and the Attorney General”;*

12 *(3) in subsection (d)(5), by striking “area” and*  
 13 *inserting “Region”;*

14 *(4) in subsection (f)—*

15 *(A) in the second sentence, by striking “an*  
 16 *area” and inserting “a Regional”;* and

17 *(B) in the last sentence, by inserting “devel-*  
 18 *oping strategies,” after “Center in”;*

19 *(5) in the second sentence of subsection (g)—*

20 *(A) by striking “an area” and inserting “a*  
 21 *Regional”;* and

22 *(B) by striking “Juneau Area” and insert-*  
 23 *ing “Alaska Region”;* and

24 *(6) in subsection (h), by striking “\$3,000,000 for*  
 25 *each of the fiscal years 1992, 1993, 1994, 1995, 1996*  
 26 *and 1997” and inserting “such sums as are necessary*

1       to carry out this section for each of fiscal years 2005  
2       through 2010”.

3       **SEC. 9. INDIAN CHILD PROTECTION AND FAMILY VIOLENCE**  
4       **PREVENTION PROGRAM.**

5       Section 411 of the Indian Child Protection and Fam-  
6       ily Violence Prevention Act (25 U.S.C. 3210) is amended—

7               (1) in subsection (c)—

8                       (A) in paragraph (1), by inserting “coordi-  
9                       nation, reporting and” before “investigation”;

10                      (B) in paragraph (2) by inserting “child  
11                      abuse and” after “incidents of”;

12               (2) in subsection (d)—

13                      (A) in paragraph (1)(C), by inserting “and  
14                      other related items” after “equipment”; and

15                      (B) in paragraph (3)—

16                               (i) in subparagraph (B), by striking “,  
17                               and” at the end and inserting a semicolon;

18                               (ii) in subparagraph (C), by inserting  
19                               after “responsibilities” the following: “and  
20                               specify appropriate measures for ensuring  
21                               child protection worker safety while per-  
22                               forming responsibilities under this title”;  
23                               and

24                               (iii) by adding at the end the fol-  
25                               lowing:

1           “(D) provide for training programs or ex-  
 2           penses for child protection services personnel, law  
 3           enforcement personnel or judicial personnel to  
 4           meet any certification requirements necessary to  
 5           fulfill the responsibilities under any intergovern-  
 6           mental or interagency agreement; and

7           “(E) develop and implement strategies de-  
 8           signed to ensure the safety of child protection  
 9           workers while performing responsibilities under  
 10          this Act;”;

11          (3) in paragraph (6), by striking “and” at the  
 12          end;

13          (4) by redesignating paragraph (7) as para-  
 14          graph (8);

15          (5) by inserting after paragraph (6) the fol-  
 16          lowing:

17               “(7) infrastructure enhancements to improve  
 18               tribal data systems to monitor the progress of fami-  
 19               lies, evaluate service and treatment outcomes, and de-  
 20               termine the most effective approaches and activities;  
 21               and”

22          (6) by redesignating subsections (f), (g), (h), and  
 23          (i) as paragraphs (e), (f), (g), and (h), respectively;

1           (7) in paragraph (1) of subsection (g) (as redesi-  
2           gnated by paragraph (6)), by striking subparagraph  
3           (A) and inserting the following:

4                   “(A) evaluate the program for which the  
5           award is made, including examination of—

6                           “(i) the range and scope of training  
7                           opportunities, including numbers and per-  
8                           centage of child protection workers engaged  
9                           in the training programs;

10                           “(ii) the threats to child protection  
11                           workers, if any, and the strategies used to  
12                           address the safety of child protection work-  
13                           ers; and

14                           “(iii) the community outreach and  
15                           awareness programs including any strate-  
16                           gies to increase the ability of the commu-  
17                           nity to contact appropriate reporting offi-  
18                           cials regarding occurrences of child abuse.”;  
19                           and

20           (8) in subsection (h) (as redesignated by para-  
21           graph (6)), by striking “\$30,000,000 for each of fiscal  
22           years 1992, 1993, 1994, 1995, 1996 and 1997” and  
23           inserting “such sums as are necessary to carry out  
24           this section for each of fiscal years 2005 through  
25           2010.”.

1 **SEC. 10. INTEGRATION OF SERVICES.**

2       *The Indian Child Protection and Family Violence Pre-*  
 3 *vention Act (25 U.S.C. 3201 et seq.) is amended by adding*  
 4 *at the end the following:*

5 **“SEC. 412. INTEGRATION OF SERVICES.**

6       “(a) *DEMONSTRATION PROJECT.*—*In cooperation with*  
 7 *the Secretary of Health and Human Services and Attorney*  
 8 *General, the Secretary shall, on the receipt of a plan accept-*  
 9 *able to the Secretary that is submitted by an Indian tribe,*  
 10 *tribal organization, or inter-tribal consortium, authorize*  
 11 *the Indian tribe, tribal organization, or inter-tribal consor-*  
 12 *tium to carry out a demonstration project to coordinate,*  
 13 *in accordance with the plan, its federally funded child*  
 14 *abuse-related service programs in a manner that integrates*  
 15 *the program services into a single coordinated, comprehen-*  
 16 *sive program that reduces administrative costs by consoli-*  
 17 *dating administrative functions.*

18       “(b) *INTEGRATION OF PROGRAMS.*—

19       “(1) *IN GENERAL.*—*Subject to paragraph (2), an*  
 20 *Indian tribe, tribal organization, or inter-tribal con-*  
 21 *sortium may integrate any program under which the*  
 22 *Indian tribe, tribal organization, or inter-tribal con-*  
 23 *sortium is eligible for receipt of funds under a statu-*  
 24 *tory or administrative formula, competitive grant, or*  
 25 *any other funding scheme for the purposes of address-*  
 26 *ing child abuse.*

1           “(2) *COMPETITIVE GRANT PROGRAMS.*—*In the*  
 2           *case of a competitive grant program, the consent of*  
 3           *the funding agency shall be required for integration*  
 4           *of the program under paragraph (1).*

5           “(c) *PLAN REQUIREMENTS.*—*A plan under subsection*  
 6           *(a) shall—*

7                   “(1) *identify the programs to be integrated;*

8                   “(2) *be consistent with the purposes of this Act;*

9                   “(3) *describe a comprehensive strategy that iden-*  
 10           *tifies the full range of existing and potential child*  
 11           *abuse and family violence prevention, treatment, and*  
 12           *service programs available on or near the service area*  
 13           *of the Indian tribe;*

14                   “(4) *describe the manner in which services are to*  
 15           *be integrated and delivered and the results expected*  
 16           *from the plan;*

17                   “(5) *identify the projected expenditures under*  
 18           *the plan in a single budget;*

19                   “(6) *identify the agency or agencies of the tribal*  
 20           *government to be involved in the delivery of the serv-*  
 21           *ices integrated under the plan;*

22                   “(7) *identify any statutory provisions, regula-*  
 23           *tions, policies, or procedures that the tribal govern-*  
 24           *ment believes need to be waived in order to implement*  
 25           *its plan; and*



1           “(8) be approved by the governing body of the af-  
2       *fect*ed Indian tribe or tribes.

3           “(d) *OTHER FEDERAL AGENCIES.*—

4           “(1) *CONSULTATION.*—On receipt of the plan  
5       *from an Indian tribe, tribal organization, or inter-*  
6       *tribal consortium, the Secretary shall consult with—*

7           “(A) *the head of each Federal agency pro-*  
8       *viding funds to be used to implement the plan;*  
9       *and*

10          “(B) *the Indian tribe, tribal organization,*  
11       *or inter-tribal consortium.*

12          “(2) *WAIVER.*—Notwithstanding any other pro-  
13       *vision of law, the Attorney General or appropriate*  
14       *Secretary shall waive any regulation, policy, or pro-*  
15       *cedure promulgated by the agency identified in the*  
16       *plan, unless the waiver would be inconsistent with*  
17       *this Act or any statutory requirement applicable to*  
18       *the program to be integrated under the plan that is*  
19       *specifically applicable to Indian programs.*

20          “(e) *APPROVAL OR DISAPPROVAL.*—

21          “(1) *NOTICE.*—Not later than 90 days after re-  
22       *ceipt of the plan, the Secretary shall notify the Indian*  
23       *tribe, tribal organization, or inter-tribal consortium,*  
24       *in writing, of the approval or disapproval of the*  
25       *plan.*

1           “(2) *DISAPPROVAL.—If the plan is dis-*  
2           *approved—*

3                   “(A) *the notice under paragraph (1) shall*  
4                   *inform the Indian tribe, tribal organization, or*  
5                   *inter-tribal consortium of the reasons for the dis-*  
6                   *approval; and*

7                   “(B) *the Indian tribe, tribal organization,*  
8                   *or inter-tribal consortium shall be given an op-*  
9                   *portunity to amend the plan or petition the Sec-*  
10                  *retary to reconsider the disapproval.*

11           “(f) *RESPONSIBILITIES OF THE DEPARTMENT OF THE*  
12           *INTERIOR.—*

13                   “(1) *IN GENERAL.—Not later than 180 days*  
14                   *after the date of enactment of this Act, the Secretary,*  
15                   *the Secretary of Health and Human Services, and the*  
16                   *Attorney General shall enter into a memorandum of*  
17                   *agreement providing for the implementation of dem-*  
18                   *onstrations projects under this section.*

19                   “(2) *COORDINATING AGENCY.—The coordinating*  
20                   *agency in carrying out this section shall be the Bu-*  
21                   *reau of Indian Affairs.*

22                   “(3) *RESPONSIBILITIES.—*

23                   “(A) *IN GENERAL.—The responsibilities of*  
24                   *the coordinating agency shall include—*

1           “(i) the development of a single report  
 2           format which shall be used by the tribe,  
 3           tribal organization, or inter-tribal consor-  
 4           tium to report on all the plan activities and  
 5           expenditures;

6           “(ii) the development of a single system  
 7           of Federal oversight of demonstration  
 8           projects, which shall be implemented by the  
 9           coordinating agency; and

10          “(iii) the provision of, or arrangement  
 11          for, technical assistance to an Indian tribe,  
 12          tribal organization, or inter-tribal consor-  
 13          tium.

14          “(B) REQUIREMENTS.—The report form de-  
 15          veloped under subparagraph (A)(i) shall require  
 16          disclosure of such information as the Secretary  
 17          determines will—

18               “(i) allow a determination that the In-  
 19               dian tribe, tribal organization, or inter-  
 20               tribal consortium has complied with the re-  
 21               quirements incorporated in the approved  
 22               plan of the Indian tribe; and

23               “(ii) provide assurances to each fund-  
 24               ing agency that the Indian tribe, tribal or-  
 25               ganization, or inter-tribal consortium has

1                   *complied with all applicable statutory re-*  
 2                   *quirements that have not been waived.*

3           “(g) *NO REDUCTION.*—*In no case shall the amount of*  
 4 *Federal funds made available to any tribal government con-*  
 5 *ducting a demonstration project be reduced by reason of the*  
 6 *conduct of the demonstration project.*

7           “(h) *TRANSFER OF FUNDS.*—*The Secretary, Secretary*  
 8 *of Health and Human Services, or Attorney General, as*  
 9 *appropriate, may take such action as is necessary to pro-*  
 10 *vide for an interagency transfer of funds otherwise available*  
 11 *to an Indian tribe, tribal organization, or inter-tribal con-*  
 12 *sortium to carry out this section immediately upon the re-*  
 13 *quest of the Indian tribe, tribal organization, or inter-tribal*  
 14 *consortium.*

15           “(i) *ADMINISTRATION OF FUNDS.*—

16                   “(1) *IN GENERAL.*—*The funds of programs that*  
 17 *are integrated under this section shall be adminis-*  
 18 *tered in such a manner as to allow for a determina-*  
 19 *tion that funds from specific programs (or an amount*  
 20 *equal to the amount attracted from each program) are*  
 21 *spent on allowable activities authorized under the*  
 22 *program.*

23                   “(2) *SEPARATE RECORDS NOT REQUIRED.*—  
 24 *Nothing in this section requires an Indian tribe, trib-*  
 25 *al organization, or inter-tribal consortium to—*

1           “(A) *maintain separate records tracing any*  
 2           *services or activities conducted under an ap-*  
 3           *proved plan to the individual programs under*  
 4           *which funds were authorized; or*

5           “(B) *allocate expenditures among indi-*  
 6           *vidual programs.*

7           “(3) *ADMINISTRATIVE COSTS.—*

8           “(A) *COMMINGLING.—All administrative*  
 9           *costs under an approved plan may be commin-*  
 10          *gled.*

11          “(B) *ENTITLEMENT TO FULL AMOUNT.—An*  
 12          *Indian tribe, tribal organization, or inter-tribal*  
 13          *consortium shall be entitled to the full amount of*  
 14          *funding of administrative costs in accordance*  
 15          *with regulations applicable to each program.*

16          “(C) *EXCESS FUNDS.—Any excess of funds*  
 17          *available to pay administrative costs, shall not*  
 18          *be counted for Federal audit purposes, if the*  
 19          *funds are used for the purposes provided for*  
 20          *under this title.*

21          “(j) *FISCAL ACCOUNTABILITY.—Nothing in this sec-*  
 22          *tion diminishes the duty of the Secretary to fulfill the re-*  
 23          *sponsibility of safeguarding Federal funds in accordance*  
 24          *with chapter 75 of title 31, United States Code.*

1       “(k) *REPORT ON STATUTORY OBSTACLES TO PROGRAM*  
2 *INTEGRATION.*—

3               “(1) *PRELIMINARY REPORT.*—Not later than 3  
4 years after the date of enactment of this section, the  
5 Secretary shall submit to Congress a preliminary re-  
6 port on the status of the implementation of the dem-  
7 onstration program under this section.

8               “(2) *FINAL REPORT.*—Not later than 6 years  
9 after the date of enactment of this section, the Sec-  
10 retary shall submit to Congress a report that—

11                       “(A) describes the results of the implementa-  
12 tion of this section; and

13                       “(B) identifies statutory barriers to more ef-  
14 fective integration of program services in a man-  
15 ner consistent with this section.”.

16 **SEC. 11. TRIBAL PARTNERSHIPS FOR AWARENESS AND RE-**  
17 **SPONSES.**

18       (a) *IN GENERAL.*—Section 2001 of title I of the Omni-  
19 bus Crime Control and Safe Streets Act of 1968 (42 U.S.C.  
20 3796gg) is amended by adding at the end the following:

21       “(d) *TRIBAL COALITION GRANTS.*—

22               “(1) *PURPOSE.*—The Attorney General shall  
23 award grants to tribal domestic violence and sexual  
24 assault coalitions for purposes of—

1           “(A) *increasing awareness of domestic vio-*  
 2           *lence and sexual assault against Indian women;*

3           “(B) *enhancing the response to violence*  
 4           *against Indian women at the Federal, State, and*  
 5           *tribal levels; and*

6           “(C) *identifying and providing technical*  
 7           *assistance to coalition membership and tribal*  
 8           *communities to enhance access to essential serv-*  
 9           *ices to Indian women victimized by domestic*  
 10          *and sexual violence.*

11          “(2) *GRANTS TO TRIBAL COALITIONS.—The At-*  
 12          *torney General shall award grants under paragraph*  
 13          *(1) to—*

14               “(A) *established nonprofit, nongovernmental*  
 15               *tribal coalitions that address domestic violence*  
 16               *and sexual assault against Indian women; and*

17               “(B) *individuals or organizations that pro-*  
 18               *pose to incorporate as nonprofit, nongovern-*  
 19               *mental tribal coalitions to address domestic vio-*  
 20               *lence and sexual assault against Indian women.*

21          “(3) *ELIGIBILITY FOR OTHER GRANTS.—Receipt*  
 22          *of an award under this subsection by a tribal domes-*  
 23          *tic violence and sexual assault coalition shall not pre-*  
 24          *clude the coalition from receiving additional grants*

1        *under this title to carry out the purposes described in*  
2        *subsection (b).”.*

3        *(b) FUNDING.—Section 2007(b) of the Omnibus Crime*  
4        *Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–*  
5        *1(b)) is amended by striking paragraph (4) and inserting*  
6        *the following:*

7                *“(4) 1/54 shall be available for grants under sec-*  
8        *tion 2001(d);”.*





**Calendar No. 438**

108TH CONGRESS  
2D SESSION

**S. 1601**

**[Report No. 108-228]**

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**A BILL**

To amend the Indian Child Protection and Family Violence Prevention Act to provide for the reporting and reduction of child abuse and family violence incidences on Indian reservations, and for other purposes.

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MARCH 9, 2004

Reported with an amendment